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19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

22 DAVID A. STEBBINS,

23 Plaintiff,

24 v.

25 KARL POLANO et al.,

26 Defendants.

) CASE NO.: 4:21-cv-04184-JSW
)
) **OPPOSITION TO MOTION FOR**
) **PROTECTIVE ORDER AND FOR**
) **SANCTIONS [DKT. 179]**
)
) Judge: Hon. Jeffrey S. White
)
) Action Filed: June 2, 2021
)
)
)

1 When Plaintiff claimed to need an extension of time to respond to Intervenor's
2 Administrative Motion to Consider Whether Cases Should be Related, the Court granted his
3 request, but instructed him to "carefully review Civil Local Rule 3-12(e) to ensure his response
4 comports with the requirements of the rule and addresses only the issues required by the rule." Dkt.
5 177; *see also* Dkt. 175. The Local Rules also state that any opposition to an Administrative Motion
6 "may not exceed 5 pages[.]" Civ. L.R. 7-11(b). Plaintiff disregarded the Court's instructions and
7 the Local Rule by filing (in addition to an opposition) a 17-page "Motion for Protective Order and
8 For Sanctions." Dkt. 179. Though styled as a separate "motion," the filing directly addresses the
9 Administrative Motion and is a transparent end-run around the Local Rule. It also reveals the true
10 reason why Plaintiff needed more time to respond to the 5-page Administrative Motion.

11 This is another example of "Plaintiff's efforts to manipulate the litigation process and his
12 blatant gamesmanship," which this Court has noted in the past. Dkt. 134. Plaintiff has been
13 declared a vexatious litigant elsewhere. *Stebbins v. Stebbins*, 2013 WL 3353865, at *1 (W.D. Ark.
14 July 3, 2013). The dockets in his other cases are littered with meritless motions like this one. *See*,
15 *e.g., id.* ("Not only has [Plaintiff] filed numerous cases, but he has also filed over one hundred
16 motions within those cases, some of which have been repetitive, and few of which have had any
17 merit."); *Stebbins v. Microsoft, Inc.*, 2012 WL 12896360, at *1 (W.D. Wash. Jan. 13, 2012) (noting
18 that "time spent dealing with Mr. Stebbins' filings prevents the Court from addressing the genuine,
19 vexing problems that people trust the Court to resolve quickly and fairly"), *aff'd*, 520 F. App'x 589
20 (9th Cir. 2013). Unfortunately, we have no doubt that more is to come.

21 As for the substance of Plaintiff's "motion," it is simply a screed against Intervenor's
22 counsel for making arguments with which Plaintiff disagrees. He identifies no legal or factual basis
23 for any relief, and in any event, he failed to comply with the procedures set forth in Federal Rule
24 11(c)(2). The motion is frivolous and should be denied.

1 Dated: February 21, 2023

Respectfully submitted,

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